



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

The parties may request that the Court issue its "usual instructions" with respect to general matters.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
November 22, 2021

BY ECF & EMAIL

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

**Re: *United States v. Kwasi Kirton*
20 Cr. 322**

Dear Judge Halpern:

The parties write jointly to seek guidance on the request to charge for the above-referenced matter, which is due November 22, 2021. As set forth in the Court's trial order dated September 1, 2021, the parties are working together to craft a joint request to charge, to the extent possible. As currently drafted, the request to charge asks the Court to issue its usual instructions for a variety of general matters (see below). The parties are conscious that this is the Court's first criminal trial, so would be happy to provide all of these instructions in full, if the Court would like. The parties are aware, however, that other District Judges in this District have generic instructions for these matters, and the Court may wish to conform to those instructions. Any guidance on this issue would be greatly appreciated.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:
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Assistant United States Attorney
(646) 856-5190

Cc: Howard Tanner, Esq., counsel for the defendant (by ECF & e-mail)

Request No. 1: General Requests

The parties respectfully request that the Court give its usual instructions to the jury on the following matters:

- a. Function of Court and Jury
- b. Indictment Not Evidence
- c. Statements of Court and Counsel Not Evidence
- d. Burden Of Proof and Presumption of Innocence
- e. Reasonable Doubt
- f. Credibility of Witnesses
- g. Right to See Exhibits and Have Testimony Read During Deliberations
- h. Punishment Is Not to Be Considered By the Jury
- i. Verdict of Guilt or Innocence Must Be Unanimous
- j. Jury's Recollection Governs
- k. Note-Taking by Jurors
- l. Duty to Base Verdict on Evidence
- m. Improper Considerations
- n. Motions, Objections, and Questions by the Court
- o. Duty to Weigh Evidence Without Prejudice
- p. Government Treated Like Any Other Party
- q. Direct and Circumstantial Evidence
- r. Inferences
- s. Definitions, Explanations, and Example of Direct and Circumstantial Evidence
- t. Credibility of Witnesses

- u. Interest in the Outcome
- v. Limiting Instruction: Similar Act Evidence [if applicable]
- w. Venue
- x. Variance in Dates and Amounts
- y. Particular Investigative Techniques Not Required [if applicable]
- z. Law Enforcement Witnesses
- aa. Defendant's Testimony / Failure to Testify [as applicable]
- bb. Stipulations [if applicable]
- cc. Redactions [if applicable]
- dd. Preparation of Witnesses [if applicable]
- ee. Uncalled Witness: Equally Available to Both Sides [if applicable]
- ff. Character Testimony [if applicable]
- gg. Sympathy, Bias, and Prejudice